

REMARKS

Claims 1-23 are pending in the application, with Claims 1, 12, and 23 being independent claims. Claims 1-23 stand rejected. Claims 1, 12, and 23 are being amended. As presented below, no new matter is believed to be introduced by way of the amendments.

In section 4 of the present Office Action, Claims 1-7, 9, 12-18, 20 and 23 stand rejected under 35 U.S.C. 102(e) as being anticipated by Simons (U.S. Patent No. 6,332,198 B1) ("Simons"). Claims 8 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Simons in view of Taniguchi (U.S. Patent No. 6,456,587 B2) ("Taniguchi").

Claim 1 as amended recites, "multiple first switch fabrics to perform facility protection switching at a subrate of the signals relative to a rate at which the signals are received by the multiple first switch fabrics," where the underlined words indicate elements added by way of amendment in the Claim Listing above. Support for the amendment is found in the specification as originally filed at least in FIG. 5. Independent claims 12 and 23 are being amended to include similar elements.

Referring to Applicants' FIG. 5, an example embodiment illustrating multiple protection switch fabrics 325 in communication with a central switch fabrics 320 is presented. In this embodiment, the protection switch fabrics receive input signals operating at OC-192 rates. However, the protection switch fabrics are capable of performing protection switching at STS-1, VT 1.5, or DS1 rates. Thus, the multiple first switch fabrics may perform facility protection switching at a subrate of the signals relative to the rate at which the signals are received as claimed in amended Claim 1.

Simons' quadrants 1-4, as shown in FIG. 35A-B, have been cited as teaching Applicants' multiple first switch fabrics that perform facility protection switching at a subrate of the signals. Applicants respectively submit that Simons' quadrants are not the same as Applicants' multiple first switch fabrics. In Simons, the cross connect cards (FIG. 35A, B) perform the switching function wherein the signals are switched at the same line rate relative to the rate at which they are received by the cross connect card. Simons' cross connect cards may carry Time Division Multiplex (TDM) byte streams, but they cannot perform protective switching at the time slot

granularity within the TDM stream, and, consequently, cannot perform switching at a subrate of the TDM stream.

Thus, Simons' system does not anticipate Applicants' amended Claim 1 ("perform facility protection switching at a subrate of the signals relative to a rate at which the signals are received by the multiple first switch fabrics").

Moreover, because Simons switches signals at the same line rate at which they are received by Simons' cross connect cards, Applicants respectfully submit that Simons teaches away from switching at a subrate as now claimed by Applicants in amended Claim 1.

Accordingly, Applicants respectfully submit that the rejection of Claims 1, 12, and 23 under 35 U.S.C. 102(e) are overcome. Because Claims 2-11 and 13-22 depend from now amended Claims 1 and 12, these dependent claims should be allowed for least the same reasons as the base claims from which they depend.

In section 4 of the present Office Action, Claims 8 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Simons in view of Taniguchi (U.S. Patent No. 6,456,587 B2) ("Taniguchi"). Dependent Claims 8 and 19 depend from now amended base Claims 1 and 12, respectively. Because the Taniguchi reference was not cited against base Claims 1 and 12, Applicants respectfully submit that dependent Claims 8 and 19 should be allowed for at least the same reasons as the base claims from which they depend.

In section 5 of the present Office Action, Claims 10 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Simons in view of Li (U.S. Publication No. 2004/0213205 A1) ("Li"). Dependent Claims 10 and 21 depend from now amended base Claims 1 and 12, respectively. Because the Li reference was not cited against base Claims 1 and 12, Applicants submit that dependent Claims 10 and 21 should be allowed for at least the same reasons as the base claims from which they depend.

In section 6 of the present Office Action, Claims 11 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Simons in view of Chang (U.S. Patent No. 5,920,412A) ("Chang"). Dependent Claims 11 and 22 depend from now amended base Claims 1 and 12, respectively. Because the Chang reference was not cited against base Claims 1 and 12, Applicants respectfully submit that dependent Claims 10 and 22 should be allowed for at least the same reasons as the base claims from which they depend.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims, Claims 1-23, are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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